

BEFORE THE REAL ESTATE COMMISSION  
STATE OF NEVADA

SHARATH CHANDRA, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Petitioner,

vs.

MEGAN BARRY,

Respondent.

Case No. 2017-2062

FILED

OCT 31 2018

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT MEGAN BARRY ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235, NRS 645.630, NRS 645.633 or NRS 622.400, and the discipline to be imposed, if a violation of law is proven.

JURISDICTION

In conducting activities alleged herein, by bringing together sellers and buyers of real estate, RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. At all times relevant to this Complaint, RESPONDENT was licensed by the Division as a salesperson, Nevada license number S.0178431.

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2. At all times relevant to this Complaint, RESPONDENT was affiliated with Resolution Realty, Broker Mark Wildes, B.0000735.LLC.

3. RESPONDENT is a manager of Hub Holdings Vegas, LLC ("HUB"), a Nevada limited liability company, along with Stephen Baxter ("BAXTER").

4. Neither HUB nor BAXTER is licensed by the Division as a broker, salesperson, or broker-salesperson.

5. RESPONDENT and HUB have caused HUB to enter into "Residential Real Estate Purchase Contracts" with numerous owners of real property with the expectation of subsequently assigning the rights of HUB under said contracts to buyers, thereby brokering sales between said owners and buyers, representing one or both parties to the transaction.

6. HUB, directly, and RESPONDENT and BAXTER, indirectly, received compensation for brokering said transactions in the form of "assignment fees" paid by the buyers, in excess of \$1 million. See attached Exhibit A.

7. RESPONDENT and BAXTER have conducted similar activities in Nevada to that alleged in paragraph 5 under the Hub Holdings Phoenix, LLC ("HHP") and Baxter Holdings, LLC ("BH"). According to the Arizona Corporations Commission, HHP and BH are Arizona limited liability companies managed by RESPONDENT or BAXTER.

8. The transactions thus brokered by RESPONDENT and BAXTER, through the various entities, exceed 100 in number. See attached Exhibit A.

#### **VIOLATIONS**

9. RESPONDENT violated NRS 645.235(1)(b) by assisting an unlicensed person to conduct an activity for which a license is required under NRS Chapter 645 without a license.

10. RESPONDENT violated NRS 645.630(1)(c) by accepting valuable consideration as a real estate sales person for the performance of any acts specified in NRS Chapter 645 from any person except the licensed real estate broker with whom she is associated.

11. RESPONDENT violated NRS 633(1)(h), as further elaborated in NAC 645.605, in acts or omissions constituting gross negligence or incompetence in performing any act for which she is required to hold a license pursuant to NRS Chapter 645.

1 **DISCIPLINE AUTHORIZED**

2 12. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative  
3 fine not to exceed the amount of any gain or economic benefit that the person derived from the  
4 violation or \$5,000, whichever amount is greater, against RESPONDENT.

5 13. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose  
6 an administrative fine not to exceed \$10,000 on, or take certain actions against the licensee of  
7 RESPONDENT, for each violation thereof.

8 14. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of  
9 the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the  
10 Commission otherwise imposes discipline on RESPONDENT.

11 15. Therefore, the Division requests that the Commission take such disciplinary action as it  
12 deems appropriate under the circumstances.

13 **NOTICE OF HEARING**

14 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the  
15 Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and  
16 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

17 **THE HEARING WILL TAKE PLACE** on December 4, 2018, commencing at 9:00 a.m., or  
18 as soon thereafter as the Commission is able to hear the matter, and each day thereafter  
19 commencing at 9:00 a.m. through December 6, 2018, or earlier if the business of the Commission  
20 is concluded. The Commission meeting will be held on December 4, 2018, at the Nevada State  
21 Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102.  
22 The meeting will continue on December 5, 2018 at the Nevada State Business Center, 3300 West  
23 Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m.,  
24 and on December 6, 2018, should business not be concluded, starting at 9:00 a.m. at the Nevada  
25 State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada  
26 89102.

27 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the same  
28 time as part of a regular meeting of the Commission that is expected to last from December 4

1 through December 6, 2018, or earlier if the business of the Commission is concluded. Thus, your  
2 hearing may be continued until later in the day or from day to day. It is your responsibility to be  
3 present when your case is called. If you are not present when your hearing is called, a default may  
4 be entered against you and the Commission may decide the case as if all allegations in the complaint  
5 were true. If you have any questions please call Teralyn Thompson, Administration Section  
6 Manager, (702) 486-4036.

7 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting  
8 under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments,  
9 the commission may conduct a closed meeting to discuss your alleged misconduct or professional  
10 competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of  
11 the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

12 As the Respondent, you are specifically informed that you have the right to appear and be heard  
13 in your defense, either personally or through your counsel of choice. At the hearing, the Division has the  
14 burden of proving the allegations in the complaint and will call witnesses and present evidence against  
15 you. You have the right to respond and to present relevant evidence and argument on all issues involved.

16 You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing  
17 witnesses on any matter relevant to the issues involved.

18 You have the right to request that the Commission issue subpoenas to compel witnesses to testify  
19 and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate  
20 the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in  
21 NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

22 The purpose of the hearing is to determine if the Respondent has violated NRS 645 and/or NAC  
23 645 and if the allegations contained herein are substantially proven by the evidence presented and

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1 to further determine what administrative penalty is to be assessed against the RESPONDENT, if any,  
2 pursuant to NRS 645.235, 645.633 or 645.630.

3 DATED this 30 day of October, 2018.

4 State of Nevada  
5 Department of Business and Industry  
6 Real Estate Division

7 By:   
8 SHARATH CHANDRA, Administrator  
9 3300 West Sahara Avenue, Suite 350  
10 Las Vegas, Nevada 89102

11 ADAM PAUL LAXALT  
12 Attorney General

13 By:   
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